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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,815	12/15/2005	Gordon C Cox	21046-00049-US1	5021
30678	7590	09/19/2008	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP			AVERY, BRIDGET D	
1875 EYE STREET, N.W.			ART UNIT	PAPER NUMBER
SUITE 1100			3618	
WASHINGTON, DC 20006				

  

MAIL DATE	DELIVERY MODE
09/19/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/537,815	COX ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	BRIDGET AVERY	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 December 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/7/05</u> .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claim 16, the recitation of "the said one and the auxiliary container-contactable parts" is confusing.
4. Claim 23 recites the limitation "the clamp" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 10, 11, 13 and 21-23 rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al. (GB 2 360 745).

Jones et al. teaches a trolley device capable of lifting and moving a container from an upright rest position, the device comprising a body part (10, 30) having handle means and means which permit movement of the device along a surface, the body part

having container-contactable means (20, 120, 220) which consist of primary and secondary container-contactable means (see Fig. 1), the primary container-contactable means being spaced above ground when said body part is upright and including at least one container-contactable part projecting outwardly from the body part and adapted to abut an external lower side wall of such a container, the secondary container contactable means spaced above said primary container-contactable means when said body part is upright and including at least one container-contactable part (20, 120, 220) adapted to abut an internal upper side wall of the container, said body part (10) capable of pivotal movement to raise and lower both said container-contactable means. One of the container contactable means is moveable relative to the other along the body part (as clearly shown in Fig. 1). The secondary container-contactable means is slidably moveable with respect to the body part (10, 30) and comprises a moveable carriage incorporating a releasable clamp operable to provide a range of stop positions between uppermost and lowermost positions of the clamp (see Figs 2-5). The clamp mechanism is releasably spring urged in frictional engagement with the body part. The secondary container-contactable means (20, 120, 220) is moveable along the body part (10, 30) towards and away from the primary container-contactable means. The moveable secondary container-contactable means is adapted to be displaced along the body part by a hand or foot operable member or by actuation means in the region of the handle means. The secondary container-contactable means includes at least one hook member (45, 145, 280) adapted to engage an upper internal sidewall of said open topped container below an uppermost internal rim thereof. The body is attached to a wheeled chassis. The primary and secondary container-contactable means each include at least two container-contactable surface members. The body part includes three spaced apart generally parallel upright elongate lengths of tubing. The trolley device is usable with an open-topped container (rim of oil barrel). The clamp mechanism is laterally turnable about the body part.

6. Claims 1-7, 9-18, 21 and 22 rejected under 35 U.S.C. 102(b) as being anticipated by Berg (EP 0 240 104)

Berg teaches a trolley device capable of lifting and moving a container from an upright rest position, the device comprising a body part (10) having handle means (13) and means which permit movement of the device along a surface, the body part (10) having container-contactable means which consist of primary and secondary container-contactable means (61, 19), the primary container-contactable means (19) being spaced above ground when said body part (10) is upright and including at least one container-contactable part projecting outwardly from the body part (10) and adapted to abut an external lower side wall of such a container, the secondary container contactable means (61) spaced above said primary container-contactable means (19) when said body part (10) is upright and including at least one container-contactable part adapted to abut an internal upper side wall of the container (C), said body part (10) capable of pivotal movement to raise and lower both said container-contactable means. One of the container contactable means is moveable relative to the other along the body part (10), as shown in Fig 2. The secondary container-contactable means (61) is slidably moveable with respect to the body part (10) and comprises a moveable carriage (50) incorporating a releasable clamp operable to provide a range of stop positions between uppermost and lowermost positions of the clamp. The clamp mechanism is releasably spring urged in frictional engagement with the body part (10), as shown in Fig. 3. The secondary container-contactable means (61) is moveable along the body part (10) towards and away from the primary container-contactable means (19). The moveable secondary container-contactable means is adapted to be displaced along the body part by a hand or foot operable member or by actuation means in the region of the handle means (13). The secondary container-contactable means (61) includes at least one hook member adapted to engage an upper internal sidewall of said open topped container (C) below an uppermost internal rim thereof. A pair of hook members are provided with ends that project towards the body part. The secondary container-contactable means (61) further include a pair of generally parallel plates interconnected by a joining segment having an aperture through which the body part (10) passes (see Fig. 7). The body part is attached to a wheeled chassis. The primary container-contactable means is mounted upon the chassis and project outwardly therefrom. The

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primary container-contactable parts are fitted with removable and replaceable means to assist frictional engagement between said primary means and said external sidewall of a container. The primary container-contactable and secondary container-contactable means (61, 19) each comprise at least two container-contactable surface members. The primary container-contactable means (61) further includes a moveable auxiliary container-contactable part. The auxiliary part is moveable rotationally about said at least one container-contactable part. The auxiliary container-contactable parts extend in parallel away from the body part. The primary container-contactable means (61) comprises at least two spaced brackets mounted upon a lower section of the device and each bracket incorporating a pivotally mounted arm upon which a pair of container-contactable formations are provided, such that at least four container-contactable formations are present. The primary container-contactable means (61) comprises at least two spaced pivot arms mounted in a horizontal plane when the device is upright, both said pivot arms provided at or in the region of their ends with container-contactable formations. The body part (10) includes three spaced apart generally parallel upright elongate lengths of tubing. The trolley device is combined with an open-topped container (C).

7. Claims 1-3, 5-13, 19 and 22 rejected under 35 U.S.C. 102(b) as being anticipated by Darcangelo (US Patent 2,511,623).

Darcangelo teaches a trolley device capable of lifting and moving a container from an upright rest position, the device comprising a body part (3) having handle means and means which permit movement of the device along a surface, the body part (3) having container-contactable means which consist of primary and secondary container-contactable means (5, 12), the primary container-contactable means (12) being spaced above ground when said body part (3) is upright and including at least one container-contactable part projecting outwardly from the body part (3) and adapted to abut an external lower side wall of such a container, the secondary container contactable means (5) spaced above said primary container-contactable means when said body part is upright and including at least one container-contactable part adapted to abut an internal upper side wall of the container, said body part (3) capable of pivotal

movement to raise and lower both said container-contactable means. One of the container contactable means is moveable relative to the other along the body part (3). The secondary container-contactable means (5) is slidably moveable with respect to the body part (3) and comprises a moveable carriage (9) incorporating a releasable clamp operable to provide a range of stop positions between uppermost and lowermost positions of the clamp. The secondary container-contactable means (5) is moveable along the body part (3) towards and away from the primary container-contactable means (12). The moveable secondary container-contactable means (5) is adapted to be displaced along the body part (3) by a hand or foot operable member or by actuation means in the region of the handle means. The secondary container-contactable means includes at least one hook member adapted to engage an upper internal sidewall of said open topped container below an uppermost internal rim thereof. The body part (3) is attached to a wheeled chassis (13). The primary container-contactable means (12) is mounted upon the chassis (13) and project outwardly thereof. The container-contactable means includes a pair of generally parallel plates interconnected by a joining segment having an aperture through which the body part passes, as shown in Fig. 2. The primary container-contactable parts are fitted with removable and replaceable means to assist frictional engagement between said primary means and said external sidewall of a container. The primary container-contactable and secondary container-contactable means each comprise at least two container-contactable surface members. The container-contactable formations of the secondary container-contactable means are mounted convergently. The trolley device is useable with an open-topped container.

8. Claims 1, 12 and 20 rejected under 35 U.S.C. 102(b) as being anticipated by Tabayashi (US 4,856,959).

Tabayashi teaches a trolley device capable of lifting and moving a container (8) from an upright rest position, the device comprising a body part having handle means and means which permit movement of the device along a surface, the body part having container-contactable means which consist of primary and secondary container-contactable means (3, 5), the primary container-contactable means (5) being spaced

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above ground when said body part is upright and including at least one container-contactable part projecting outwardly from the body part and adapted to abut an external lower side wall of such a container, the secondary container contactable means (3) spaced above said primary container-contactable means (5) when said body part is upright and including at least one container-contactable part adapted to abut an internal upper side wall of the container (8), said body part capable of pivotal movement to raise and lower both said container-contactable means. The primary container-contactable parts are fitted with removable and replaceable means to assist frictional engagement between said primary means and said external sidewall of a container. The container-contactable formations of the secondary container-contactable means (3) are provided with flexible ferrules.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rogers shows a truck for handling barrels.

Sheldon shows a barrel or drum truck.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIDGET AVERY whose telephone number is (571)272-6691. The examiner can normally be reached on Monday-Thursday from 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis, can be reached on 571-272-6691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Christopher P Ellis/  
Supervisory Patent Examiner, Art  
Unit 3618

/Bridget Avery/  
Examiner, Art Unit 3618